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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,386	11/13/2001	Philip J. Christian	476-2063	5418
23644	7590	01/25/2005	EXAMINER	
BARNES & THORNBURG			LESNIEWSKI, VICTOR D	
P.O. BOX 2786			ART UNIT	
CHICAGO, IL 60690-2786			PAPER NUMBER	
			2155	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/991,386	Applicant(s) CHRISTIAN ET AL.	
	Examiner Victor Lesniewski	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/2002</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This application has been examined.
2. Claims 1-20 are now pending.

### ***Information Disclosure Statement***

3. The IDS filed 4/12/2002 and the IDS filed 9/10/2002 have been considered.

### ***Claim Objections***

4. Claims 19 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The applicant is required to cancel the claims, amend the claims to place them in proper dependent form, or rewrite the claims in independent form.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17 and 18 recite descriptive material that may or may not be an embodiment of a computer system or embodied on a computer readable medium so as to be executable. Here, a signal is an abstract idea and does not constitute eligible subject matter for patentability. See MPEP 2106.IV.B.1(a).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rekhter (U.S. Patent Number 5,917,820).

9. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a server or a communications network node are rejected under the same rationale applied to the described claim.

10. Rekhter has disclosed:

- <Claims 1, 12, and 15>

A method of automatically allocating a unique internet protocol (IP) address to a first node in an integrated intermediate-system-to-intermediate-system (IS-IS)

communications network said method comprising the steps of: (i) accessing information about one or more potentially available IP addresses (column 9, lines 10-42 and column 10, lines 60-66); (ii) selecting one of the potentially available IP addresses (column 12, lines 4-14); and (iii) sending information about the selected IP address to nodes in the communications network (column 12, lines 20-28).

- <Claims 2 and 13>

A method as claimed in claim 1 wherein said information is sent using a flooding method comprising the use of link state PDUS (LSPs) (column 11, lines 38-45).

- <Claim 3>

A method as claimed in claim 2 wherein said information is sent using LSP extensions (column 11, line 59 through column 12, line 3).

- <Claims 4 and 14>

A method as claimed in claim 1 wherein said information is sent using a flooding method comprising an adaptation of the connectionless network service (CLNS) protocol (column 4, lines 16-32).

- <Claim 5>

A method as claimed in claim 1 wherein said step (i) of accessing information comprises accessing a server connected to the communications network (column 7, line 65 through column 8, line 29).

- <Claim 6>

A method as claimed in claim 5 wherein said information is sent using LSPs with anomalous sequence numbers (column 10, lines 24-25).

- <Claim 7>

A method as claimed in claim 1 wherein said step (i) of accessing information comprises accessing the first node which has pre-specified information about one or more potentially available IP addresses (column 7, line 65 through column 8, line 29).

- <Claim 8>

A method as claimed in claim 7 wherein said step (ii) further comprises receiving information at the first node about the IP addresses of other nodes in the communications network, and selecting one of the potentially available IP addresses on the basis of the received information (column 12, lines 4-14).

- <Claim 9>

A method as claimed in claim 8 wherein said information is received during a specified duration (column 12, lines 15-20).

- <Claim 10>

A method as claimed in claim 1 which further comprises using said selected IP address to access the first node using an Internet Protocol management system (column 3, lines 24-29).

- <Claims 11 and 16>

A method as claimed in claim 1 wherein said first node is selected from an intermediate system, a router and an optical multiplexer with integral router (column 7, lines 10-17).

- <Claim 19>

A communications network comprising a server as claimed in claim 12 (column 7, lines 10-17).

- <Claim 20>

20. A communications network comprising a communications network node as claimed in claim 15 (column 7, lines 10-17).

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Since all the limitations of the invention as set forth in claims 1-16, 19, and 20 were disclosed by Rekhter, claims 1-16, 19, and 20 are rejected.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Callon et al. (U.S. Patent Number 5,251,205) disclosed a method for connecting a network so that TCP/IP and OSI 8473 packets may be routed in the same domain.
- Walton et al. (U.S. Patent Number 5,519,858) disclosed an address recognition apparatus that includes a look-up database that is arranged to store network information relating to network addresses.
- Feldman et al. (U.S. Patent Number 6,055,561) disclosed a switch that has been augmented with standard IP routing support.
- Houston et al. (U.S. Patent Number 6,778,541) disclosed a method of tunneling IP data across an OSI network.
- Zinin et al. (U.S. Patent Number 6,820,134) disclosed a method for executing a flooding algorithm where a router distributes its local state to each neighboring router.
- Adolfsson (U.S. Patent Number 6,823,395) disclosed a method for managing and monitoring the routing in a communications network that implements a link state routing process.
- Hasegawa, Teruyuki; Hasegawa, Toru; Kato, Toshihiko; Yoshiizumi, Kohei; Miki, Toshiaki; Hokamura, Kanji; and Sawada, Kazuyoshi, "Protocol Architecture of High


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Speed TCP/IP Service Over International ATM Network," IEEE ATM Workshop Proceedings, 26-29 May 1998, pgs. 159-168, disclosed a system wherein a pair of TCP gateways work as intermediate systems along a TCP connection in an international ATM network.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Victor Lesniewski  
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Group Art Unit 2155

  
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SUPERVISORY PATENT EXAMINER